UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,745	12/28/2000	Paul A. Rupsis	PM 273238 P10246	5550

27496	7590	06/02/2005	EXAMINER

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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 December 2004.*

2a)☒ This action is **FINAL.** 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____.	6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection. The new limitation introduced by the amendment of December 20, 2004 still reads on the Cromwell reference. See the Office action below for further details.

Claim Rejections Using Cromwell as a Base Reference

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 8, 11, 14-21, 23, 26, 29, and 30 are rejected under 35 U.S.C. 102(a) as being anticipated by the "Proposal for an MGCP Advanced Audio Package" RFC 2897 (XP-002212513) by Cromwell ("Cromwell"), of record as disclosed by the applicant and cited in the international search report for PCT/US 01/49779, which is a continuation of the instant case.

With respect to claim 1, Cromwell discloses an "event/signal package" (play audio module) that is included in a media gateway control protocol for supporting IVR operations (audio resource function) (abstract).

The event/signal packet (module) comprises audio play processes such as "playannouncement" (abstract and page 5). The event/signal package (play audio module) controls the media gateway or audio server during the IVR process and thus the package (module) is operable to request the gateway to play IVR audio in response to received signals from the package (module) (abstract and page 5). The audio comprises an uninterrupted flow of audio such as "Welcome to Bell South's Automated Directory Assistance Service" (page 2), and thus can be considered as an audio stream.

The audio play is also altered based on the desired message to be played out (e.g., page 24). Because the event/signal package (play audio module) controls the media gateway, then at least one control "signal" travels between the module and the gateway. The resultant play is also analyzed for reasons why it was terminated, such as by using return codes indicating the type of error that occurred (page 16) or normal termination codes (page 14). Note also that an "operationcomplete" is detected (i.e., analyzing as to reason the announcement was terminated, namely because the operation was completed) (page 6).

Cromwell also discloses a Return Parameter in the form of an "Amount Played" value, which specifies a location (length played of an initial prompt) that was played when the audio stream prompt playback was terminated (interrupted). Thus, the Amount Played parameter reads on the audio stream container offset parameter. The term "audio stream container" itself is a broad, abstract concept that is not even limited to file (see page 12, lines 1-7 of the

specification). Note also that the Amount Played parameter is also a termination parameter,

consistent with the audio stream container offset (see page 15, lines 11-22 of the specification).

Claim 8 differs substantively from claim 1 in that claim 8 recites a "record" process

rather than a "play" process. The record process reads on the abstract and page 4. The reasons

for terminating the recording are also analyzed, e.g., see page 6 regarding detecting an

"operationcomplete" signal upon successful completion the "playrecord" command. See the

claim 1 rejection for further details.

Claims 16 and 23 differ substantively from claims 1 and 8 respectively in that claims 16

and 23 recite methods steps that are equivalent to the module functions recited in claims 1 and 8.

Therefore, see claims 1 and 8 rejections for further details.

With respect to claims 2 and 17, see page 8.

With respect to claims 3 and 18, see page 24 where the play commands request the

prompt to pause for user input and then resumes.

With respect to claims 4 and 19, see page 11.

With respect to claims 5, 11, 20, and 26, see page 3, where a user is able provision the media gateway to support a coder process that specifies coder values relating to audio file format.

With respect to claims 6 and 21, see the claim 1 rejection for further details.

With respect to claims 14, 15, 29, and 30, see page 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell as applied to claims 1 and 16 above.

Although Cromwell discloses a text to speech conversion process (e.g., page 4), Cromwell fails to specifically disclose that the text to speech process conforms to the (speech application program interface) SAPI specification.

However, "Official Notice" was taken in the last Office action that both the concept and advantages of using a text to speech process conforming to SAPI. The applicant's lack of traverse to the officially noticed fact in the last Office action is taken as an admission of the facts noticed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add make the text to speech process disclosed by Cromwell to conform to SAPI.

The suggestion/motivation for doing so would have been to conform to industry standards for text to speech processing, such as the SAPI interface, which is a well known and widely used Microsoft interface standard that defines and supports speech processes such as text to speech.

Claims 9, 10, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell as applied to claims 8 and 23 above, and further in view of U.S. Patent No. 6,295,342 B1 ("Kaminsky"), of record.

Although Cromwell discloses a recording process that waits for seven seconds after speech stops to make sure the user is finished (page 24), Cromwell fails to specifically disclose that recording process is paused and resumed, where the recording process is operable to append the recording to an existing recording.

However, Kaminsky (similarly to Cromwell) teaches of a telephonic IVR system (abstract) that pauses and resumes the recording process in order to append the recording to an existing recording (e.g., col. 2, lines 33-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a pause and resume in order to append the recording to an existing recording as taught by the IVR system of Kaminsky to the IVR system disclosed by Cromwell.

The suggestion/motivation for doing so would have been to increase the efficiency and accuracy of collecting information from by avoiding the difficulty to "correlate all of the responses of a single user" which causes the "transcriber assigned to coordinate the responses of each user session" to be faced with a "considerable challenge" and "[c]onsiderable work" (Kaminsky, col. 2, lines 9-25).

Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromwell as applied to claims 8 and 23 above, and further in view of U.S. Patent No. 6,049,765 ("Iyengar").

Although Cromwell discloses a recording process as discussed above, Cromwell fails to disclose detecting and eliminating periods of speech inactivity.

However, Iyengar (similarly to Cromwell) teaches of a recording process that detects and eliminates periods of speech inactivity (abstract).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add detection and elimination of periods of speech inactivity as taught by the recording process of Iyengar to the recording process disclosed by Cromwell.

The suggestion/motivation for doing so would have been to increase data storage capability by removing unnecessary silence segments (Iyengar, col. 1, liens 41-67).

Claim Rejections Using Greene as a Base Reference

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 12, 16, 23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Media Gateway Control Protocol Architecture and Requirements Status of this Memo" RFC 2805 (XP-002212514) by Greene et al. ("Greene"), of record as disclosed by the applicant and cited in the international search report for PCT/US 01/49779, which is a continuation of the instant case, in view of Cromwell.

With respect to claim 1, Greene discloses a "media gateway controller ("MGC") (play audio module) that is included in a media gateway control protocol for supporting audio resource functions such as IVR (pages 4 and 32). The MG-unit Controller (module) comprises audio play processes such as the "play audio module" (page 32). The MG-unit controller (play audio module) controls the media gateway during the IVR process and thus the controller (module) is operable to request the gateway to play IVR audio in response to received signals from the controller (module) (page 29). The audio comprises an audio stream (page 7). The audio play is also altered based on the desired message to be played out (e.g., page 32). Because the controller (play audio module) controls the media gateway, then at least one signal travels between the module and the gateway (page 29). The resultant play is also analyzed for reasons why it was terminated, such as by using return codes indicating the type of error that occurred (page 14).

Green fails to disclose an "audio stream container offset parameter to specify a location in an audio stream container that was being played when the play was terminated."

However, Cromwell teaches this limitation (see the claim 1, Cromwell rejection above for further details).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to add an audio stream container offset parameter to specify a location in an

audio stream that was being played when the play terminated as taught by the MGC system Cromwell to the MGC system of Greene.

The suggestion/motivation for doing so would have been that both Greene and Cromwell are Request For Comment ("RFC") documents written by the same the same company, Nortel Networks in the same year of 200. In addition, both Greene and Cromwell are directed to MGC systems. Greene is directed to MGC protocol architecture and Cromwell is directed to an advanced audio package (including the offset parameter feature) designed to run on the MGC protocol. Indeed, Greene cited to an article written by Cromwell (page 32 of Greene). Thus, a personal of ordinary skill in the art would have realized upon inspecting Greene and Cromwell that both were directed to similar MGC systems and thus the addition of Cromwell to Greene would have rounded out the MGC system, especially by adding a MGC software audio application of Cromwell to the generic MGC protocols disclosed by Greene. In addition, the specific audio offset parameter included in Cromwell's MGC audio application would have increased efficiency and user-friendliness by allowing resumption of the audio prompt where it had be interrupted rather than inefficiently restarting the audio prompt from the beginning, which the customer has already heard.

Claim 8 differs substantively from claim 1 in that claim 8 recites a "record" process rather than a "play" process. The record process reads on the "record audio module" process (page 26). See the claim 1 rejection for further details.

Claims 16 and 23 differ substantively from claims 1 and 8 respectively in that claims 16

and 23 recite methods steps that are equivalent to the module functions recited in claims 1 and 8.

Therefore, see claims 1 and 8 rejections for further details.

With respect to claims 12 and 27, a recording location process creates a "unique

identifier", which allows the decomposed media gateway to reference where the recording is

located.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland G. Foster whose telephone number is (571) 272-7538. The examiner can normally be reached on Mon to Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roland G. Foster
Primary Patent Examiner
May 23, 2005